

Title 1

GENERAL PROVISIONS

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Chapter 1.05

CODE ADOPTION

Sections:

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1.05.010 Adoption process.

Pursuant to Lewis County Ordinance No. 1157, compilation and codification of county laws and ordinances, and certain resolutions of a general and permanent nature, including all such laws and ordinances, and certain resolutions approved on or before February 17, 1998, including ordinances through Ordinance No. 1156, is adopted as the official code of Lewis County to be known hereafter as the “Lewis County Code.” Ordinances of a general and permanent nature adopted after February 17, 1998, and numbered from Ordinance No. 1157 remain valid and subsist in law of Lewis County. Pursuant to Lewis County Board of Health Ordinance No. H98-0327, passed on August 31, 1998, compilation and codification of health laws and ordinances, and certain resolutions of a general and permanent nature, are incorporated within the said adopted “Lewis County Code.” Such ordinances shall be made a part of the Lewis County Code in the manner provided by LCC 1.05.060. The Lewis County Code shall be maintained, published and

supplemented by the board of county commissioners of Lewis County, acting where applicable as the board of health of Lewis County. The code may be cited by its abbreviation “LCC”. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any portion of the code as an addition to, amendment to, correction of, or repeal of the Lewis County Code. Further reference may be made to the titles, chapters, sections and subsections of the Lewis County Code and such reference shall apply to that number, title, chapter, section or subsection as it appears in this code. [Ord. 1160, 1998; Ord. 1157, 1998; H98-0327, 1998]

1.05.020 New or amendatory material.

New, amendatory or other materials altering the Lewis County Code shall be adopted by the board of county commissioners or by the board of health, as applicable, as separate ordinances prior to inclusion in the Lewis County Code. After adoption of the code, any ordinance amending the codification shall set forth in full the section or sections, or subsection or subsections of the codification being amended, as the case may be. [Ord. 1160, 1998; Ord. 1157, 1998]

1.05.030 Title, chapter and section headings, and interpretation.

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meanings or intent of the provisions of any title, chapter or section of this code. The provisions of this code and all proceedings under it are to be construed with a view to effect its objects and to promote justice. [Ord. 1157, 1998]

1.05.040 Effect of code on past actions and obligation.

Neither the adoption of this code nor the repeal or amendment hereby of any

resolution and/or ordinance or part or portion of any resolution and/or ordinance of the county shall in any manner affect the prosecution for violation of resolutions and/or ordinances which violations were committed prior to the effective date hereof nor be construed as a waiver of any license, fee or penalty at the effective date due and unpaid under such resolutions and/or ordinances nor be construed as affecting any of the provisions of such resolutions and/or ordinances relating to the collection of any such license, fee or penalty or the penal provisions applicable to any violation thereof nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any resolution and/or ordinance, nor be construed as to affect any civil right or remedy existing at the time of the effective date, nor shall the omission to specify or affirm any liability to any damages, penalty, forfeiture or other remedy imposed by law and allowed to be recovered or enforced in any civil action or proceeding for any act or omission declared punishable herein affect any right to recover or enforce the same and all rights and obligations thereunder appertaining shall continue in full force and effect. [Ord. 1157, 1998]

1.05.050 Repeal shall not revive any resolution and/or ordinance.

The repeal of a resolution and/or ordinance shall not repeal the repealing clause of such resolution and/or ordinance or revive any resolution and/or ordinance which has been repealed thereby. [Ord. 1157, 1998]

1.05.060 Omission of certain sections of ordinances and of certain resolutions – Ordinances and resolutions on file with board.

The adoption and revision of the code may omit all titles to ordinances, enacting and repealing clauses, preambles,

declarations of emergency, and validity and construction sections thereof, unless, in a particular instance, it may be necessary to retain such to preserve the full intent of the law. The omission of validity or construction sections is not intended to, nor shall it change, or be considered as changing, the effect to be given thereto in construing legislation of which such validity and construction sections were a part. Any section so omitted, other than repealing, emergency or validity provisions, shall be referred to or set forth as an annotation to the applicable sections of the ordinance as codified. The adoption and revision of the code may omit certain ordinances and resolutions, but such omission is not intended to, nor shall it be construed as repealing such ordinances and resolutions, and all effective ordinances and resolutions shall remain indexed and on file with the clerk of the board of county commissioners or health (and additionally with the county engineer for ordinances regarding speed limits, weight limits and road closures). [Ord. 1157, 1998]

1.05.070 Effective date.

The Lewis County Code shall become effective on February 17, 1998, with board of health sections incorporated on August 31, 1998. [Ord. 1157, 1998; H98-0327, 1998]

1.05.080 Severability.

If any section, subsection, sentence, clause, phrase, portion or part of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The board of county commissioners and board of health of Lewis County hereby declares that it would have adopted this code and each, other valid and constitutional section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the

fact that any specific section, subsection, sentence, clause, phrase, part or portion thereafter be declared invalid or unconstitutional, and if for any reason this codification should be declared invalid or unconstitutional, then the original ordinance or ordinances, and affected resolutions shall be in full force and effect. In the event that any previously repealed code provisions have been inadvertently included in the code adoption set forth in this chapter, those prior repealers should be controlling and this code should not be construed as a reenactment of those provisions. [Ord. 1157, 1998; H98-0327, 1998]

Chapter 1.10

GENERAL PROVISIONS

Sections:

- 1.10.010 Definitions and construction.
- 1.10.020 Grammatical interpretation.
- 1.10.030 Prohibited acts.

1.10.010 Definitions and construction.

(1) Unless the context otherwise requires, the following words and phrases where used in this code shall have the meaning and construction given in this section:

(a) “Aggrieved person”, “person aggrieved” and/or “aggrieved party of record” means one whose proprietary, pecuniary or personal rights would be substantially affected by a particular action;

(b) “Code” means the “Lewis County Code”;

(c) “Board” means the board of county commissioners of Lewis County;

(d) “Board of Health” means the board of health of Lewis County;

(e) “County” means the county of Lewis;

(f) “Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or their manager, lessee, agent, servant, officer or employee of any of them;

(g) “State” means the state of Washington;

(h) “Oath” includes affirmation;

(i) Shall, May. “Shall” is mandatory. “May” is permissive.

(2) The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of Lewis County.

(3) Unless subsequent provisions of this code specifically provide otherwise, the date of action or, in those cases requiring personal or certified mail service, the date of

service shall not be included when computing time periods. The last day of the period so computed shall be included unless it is not a business day, in which event the period runs until the close of the next business day. [Ord. 1157, 1998; H98-0327, 1998]

1.10.020 Grammatical interpretation.

The following grammatical rules shall apply to the ordinances and resolutions of Lewis County:

(1) Gender. Any gender includes the other genders;

(2) Singular and Plural. The singular number includes the plural and the plural includes the singular;

(3) Tenses. Words used in the present tense include the past and the future tenses and vice versa;

(4) Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. [Ord. 1157, 1998]

1.10.030 Prohibited acts.

Whenever in this code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. [Ord. 1157, 1998]

Chapter 1.15

VOTING PRECINCTS -- COMMISSIONERS DISTRICTS* (RESERVED)

* Voting precincts may be found in the County Auditor's office. Commissioners' districts map may be found in the Board of County Commissioners office.

Chapter 1.20

GENERAL PENALTY AND FINES, AND CIVIL ENFORCEMENT

Sections:

- 1.20.010 Authority
- 1.20.020 Violations - General Penalty.
- 1.20.030 Failure to pay fines, costs.
- 1.20.040 Civil Enforcement

1.20.010 Authority.

The Board shall have the authority to make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and authorizing the board of county commissioners to declare any violation of such resolutions or ordinances to be a misdemeanor under RCW 36.32.120(7), and declaring every crime punishable by a fine of not more than two hundred and fifty dollars, or by imprisonment in a county jail for not more than ninety days, a misdemeanor, under RCW 9.92.030. [Ord. 1157, 1998].

1.20.020 Violations - Penalty and fine.

Unless otherwise specifically provided for, any person violating any provision or failing to comply with any mandatory requirement of the laws, resolutions or ordinances of Lewis County shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the laws, resolutions or ordinances of Lewis County shall be punished by a fine of not more than \$250.00 and/or be incarcerated for a period not to exceed 90 days. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of the provision of the laws, resolutions or ordinances of Lewis County is committed, continued or permitted by any such person and shall be punished accordingly. (Ord. 1157, 1998).

1.20.030 Failure to pay fines, costs.

(1) Upon the rendition of judgment against any defendant for violation of laws, resolutions or ordinances of Lewis County, an order shall be made and entered that if the defendant shall neglect or refuse to satisfy judgment and costs of suit, he shall be confined in the county jail or other place of confinement provided for that purpose until the fine and costs adjudged against him are paid. During such confinement he may be required to do work for the county under the supervision and direction of the Lewis County Sheriff. The amount of fines and costs owing by a confined defendant shall be reduced in accordance with subsection (2) of this section. Execution shall be issued immediately upon the rendition of judgment.

(2) The amount of fine and costs owing by any person ordered into custody in the county jail until the fine and costs adjudged against him are paid shall be reduced by \$40.00 for every day that defendant performs labor as provided in RCW 10.82.040 and \$30.00 for every day the defendant does not perform such labor while imprisoned. [Ord. 1157, 1998].

1.20.040 Civil Enforcement.

(1) This ordinance provides the procedure for the investigation of suspected violations and enforcement of other ordinances.

(2) Applicability.

(a) This title shall apply to the enforcement of Lewis County ordinances and codes, including those related to building, zoning, environmental health and safety, and quality of life, which specifically reference this ordinance.

(b) Violations of the applicable code shall be corrected under the provisions of this title, in coordination with existing ordinance and code provisions.

(3) Enforcement. Only an authorized official may enforce the provisions of this title. For purposes of this title, an

authorized official is defined as any one of the following:

(a) The Lewis County Sheriff and his or her authorized representatives,

(b) The Lewis County Health Officer, the administrative officer of the Board of Health, and their authorized representatives,

(c) The director of the Lewis County Department of Community Development and his or her authorized representatives;

(d) The Lewis County Prosecuting Attorney may, in addition to any enforcement provisions hereunder, have authority to institute any legal proceedings necessary to enforce this title; and

(e) The Lewis County Board of Commissioners and the Lewis County Board of Health may designate other persons to administer the provisions of this title.

(4) Violations, Investigations, Evidence.

(a) An authorized official may investigate alleged or apparent violations of the ordinances and codes referenced above in subsection (2)(a) of this section. In the performance of that investigation, an authorized official may enter upon any land and make examinations and surveys, provided that such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof.

(b) Upon request of the authorized official, the person alleged or apparently in violation of this ordinance shall provide information identifying themselves.

(c) Willful refusal to provide information identifying a person as required by this section is a misdemeanor.

(5) Notice of Infraction Service. Whenever an authorized official determines that a violation has occurred, or is occurring, he/she may pursue reasonable attempts to secure voluntary corrections, failing which he/she may issue a notice of infraction. An authorized official may issue a notice of

infraction if the provisions of the ordinance has been violated in the officer's presence. A notice of infraction may be served either by:

(a) The authorized official serving the notice of infraction on the person named in the notice of infraction at the time of issuance; or

(b) The authorized official filing the notice of infraction with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his/her address.

(6) Notice of Infraction - Forum - Contents. The notice of infraction shall contain the following statements:

(a) The authorized official has determined that the infraction has been committed by the person named in the notice and that the determination is final unless contested, as provided in this ordinance;

(b) The infraction is a non-criminal offense, not punishable by imprisonment;

(c) The specific violation which the person is alleged to have committed and the accompanying statutory citation, the date and place of the infraction, the date the notice was issued, and the authorized official;

(d) The monetary penalties established for each infraction;

(e) The options and corresponding procedures provided in this ordinance for responding to the notice;

(f) That at any hearing to contest the determination that the County has the burden of providing by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses, including the authorized official who issued and served the notice of infraction;

(g) That at a hearing for mitigating the infraction, the person will only have the opportunity to explain the circumstances of

the infraction and may not contest that the person committed an infraction;

(h) A promise requiring the person's signature that the person will respond to the notice of infraction in one of the ways provided in this chapter and within the time required;

(i) That refusal to sign and respond to the infraction is a misdemeanor and may be punished by a fine and/or imprisonment in jail.

(j) That each day the violation continues, may be considered a separate violation;

(k) The failure to mail a response, within 15 days of the date of the notice, or eighteen (18) days from the date mailed if service is by mail, forfeits the person's right to contest the infraction at a hearing; and

(l) The name, address, and telephone number of the District Court Clerk.

(7) Notice of Infraction Filing Hearing in District Court. The authorized official shall file a notice of infraction in District Court within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. Lewis County District Court shall have jurisdiction to hear and determine these matters.

(8) Notice of Infraction Determination Infraction Committed. Unless contested in accordance with this ordinance, the notice of infraction represents a determination that the person to whom the notice was issued committed the infraction. A notice shall not be insufficient for failure to give a definite statement of the essential facts of an infraction or any other defects that do not prejudice the substantial rights of the defendant.

(9) Notice of Infraction – Response - Requesting a Hearing - Failure to Respond or Appear - Order to Set Aside.

(a) A person who receives a notice of infraction shall respond to the notice, either by mail or in person, within fifteen

(15) days of the date the notice was served, or eighteen days (18) from date mailed if service is by mail. Mailed responses must be postmarked on or before midnight of the 15th day. The person named in the notice of infraction may respond to the infraction by:

(i) Paying the appropriate monetary penalty, completing the appropriate portion of the notice of infraction and submitting it to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When such a response is received, the court shall enter and record a judgment that the person committed the infraction. A record of the response order shall be furnished to the appropriate department(s).

(ii) Completing the portion of the notice of civil infraction requesting a mitigation hearing and submitting it to the District Court. Within fourteen (14) days, the court shall notify the person in writing of the time, place, and date of the hearing. That date shall not be earlier than fourteen (14) days, nor more than one hundred and twenty (120) days from the date of the notice of the hearing, except by agreement.

(iii) Completing the portion of the notice of infraction requesting a hearing to contest the infraction and submitting it to the District Court. Within fourteen (14) days, the court shall notify the person in writing of the time, place, and date of the hearing. That date shall not be earlier than fourteen (14) days, nor more than one-hundred and twenty (120) days from the date of the notice of the hearing, except by agreement. A notice issued by the District Court shall also advise the person requesting a hearing of the person's right to subpoena witnesses and that failure to either appear at a hearing or pay the penalty may be a crime for which the person may be arrested and may prevent the person from obtaining any County permits.

(b) If a person served with an infraction:

(i) Fails to respond to the notice of civil infraction as provided above in subsection (9)(a) of this section; or

(ii) Fails to appear at a hearing requested pursuant to either subsection (9)(a)(ii) or (9)(a)(iii) of this section; then The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction, and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing.

(10) Notice of Failure to Sign, Appear, or Satisfy Penalty.

(a) A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

(b) Any person willfully violating his/her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction; however, appearance of counsel shall satisfy the person's obligation to respond.

(c) A person who willfully fails to pay a monetary penalty as required by a court under this chapter may be found in civil contempt of court after notice and hearing.

(11) Representation by Attorney.

(a) A person subject to proceedings under this ordinance may appear or be represented by counsel.

(b) The Prosecuting Attorney representing the County may, but need not, appear in any proceedings under this ordinance, notwithstanding any statute or court rule to the contrary.

(12) Infraction Hearing Procedure - Burden of Proof - Order Appeal.

(a) A hearing held to contest the determination that an infraction has been committed shall be without a jury.

(b) The court may consider the notice of infraction and any sworn

statements submitted by the authorized representative who issued and served the notice in lieu of his/her personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the authorized official who has issued and served the notice, and has the right to present evidence and examine witnesses present in court. Upon demand, the County shall provide the person with a list of witnesses and the authorized official's sworn statement. Subpoenas and discovery demands shall conform to Rule 3.1(a) and (b) of the Infraction Rules of Courts of Limited Jurisdiction, as hereafter amended.

(c) The burden of proof is on the County to establish the commission of the infraction by a preponderance of evidence.

(d) After consideration of the evidence and argument, the Court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the Court's records. If it has been established that a civil infraction has been committed, an appropriate order shall be entered in the Court's records.

(e) An appeal from the Court's determination to order shall be to the Superior Court in the manner provided by the Rules for Appeal of Decisions of Court of Limited Jurisdiction.

(13) Explanation of Mitigating Circumstances.

(a) A hearing for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may present witnesses, but may not subpoena witnesses. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances. A person may be represented by a lawyer at a mitigation hearing.

(b) After the Court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the Court's record.

(c) There shall be no appeal from the Court's determination or order under this section.

(14) Monetary Penalties - Restitution.

(a) A person found to have committed a civil infraction shall be assessed a monetary penalty. All violations of this title shall be denominated Class 2 Civil Infractions under 7.80 RCW, unless otherwise specified in the particular Lewis County code chapter violated. The maximum penalty and default amount for a Class 2 Civil Infraction shall be one hundred twenty-five (\$125.00), not including statutory assessments.

(b) A court shall assess a Class 1 monetary penalty under 7.80 RCW for the second and each succeeding violation of the same ordinance that a person commits within 12 months. The maximum penalty and default amount for a Class 1 civil infraction shall be (\$250.00), not including statutory assessments.

(c) Whenever a Court imposes a monetary penalty under this ordinance it is immediately payable. If the person is unable to pay at the time, the Court may grant an extension of the period of time in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the Court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The Court shall notify the appropriate county department(s) of the failure to pay the penalty, and the department(s) shall not issue the person any future permits for any work until the monetary penalty has been paid.

(d) The Court may also impose attorney fees and/or order a person found to

have committed a civil infraction to make restitution, including the county's enforcement costs. If restitution is ordered, the court shall set a minimum monthly payment that the person is required to make towards restitution. The court should take into consideration the total amount of the restitution owed, the offender's future ability to pay, as well as any assets that the offender may have.

(15) Court Order is Civil - Modification of Penalty.

(a) An order entered pursuant to this ordinance is civil in nature.

(b) The Court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction.

(16) Costs and Attorney's Fees. Each party in a civil infraction case is responsible for court costs incurred by that party, but the Court may assess witness fees against a non-prevailing respondent. Attorney fees may be awarded to either party in a civil infraction case.

(17) Interpretation. This civil enforcement section shall be interpreted consistently with the Infraction Rules for Courts of Limited jurisdiction and 7.80 RCW. The Infraction Rules for Courts of Limited Jurisdiction shall control all procedural matters not covered by this ordinance. All other matters shall be controlled by 7.80 RCW.

(18) Lewis County officials, employees, agents and representatives investigating suspected violations of or enforcing other ordinances and codes pursuant to this civil enforcement section shall be exempt from the provisions of Ch. 1.25 LCC. [Ord. 1180 §2, 2002; Ord. 1157, 1988]

Chapter 1.22

PUBLIC NUISANCES

Sections:

- 1.22.010 Purpose.
- 1.22.020 Definitions.
- 1.22.030 Abatement by the county.
- 1.22.040 Removal of property and/or solid waste placed onto public access.
- 1.22.050 Additional enforcement procedures and nuisances.

1.22.010 Purpose.

This chapter provides the conditions which constitute a public nuisance, and provides for abatement where premises, structures, vehicles, or portions thereof are found to be unfit for human habitation, or unfit for other uses, due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents or other calamities, inadequate ventilation and uncleanness, inadequate light or sanitary facilities, inadequate drainage, or due to other conditions which are inimical to the health and welfare of the residents of Lewis County, or any violation under the Lewis County Code, declared or defined as a public nuisance. [Ord. 1181 §1, 2003]

1.22.20 Definitions.

As used in this chapter, unless a different meaning is plainly required:

(1) "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a nuisance under this chapter or under any chapter of the County Code by such means, in such a manner, and to such an extent as the director determines is necessary in the interest of the general health, safety and welfare of the community.

(2) "Act" means doing or performing something.

(3) "Building" means any constructed structure consisting of a minimum of three sides and a roof and the premises thereto.

(4) "Director" means the director of the department of community development, the director of the department of public works, or the director of the department of health and social services, or their authorized designee, or any designee of the board of county commissioners or board of health, empowered to enforce a county or board of health ordinance or regulation.

(5) "Department" means the department of community development, the department of public works, or the department of health and social services.

(6) "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts authorized by a county regulation.

(7) "Nuisance," "violation" or "nuisance violation" means:

(a) Doing an act, omitting to perform any act or duty, or permitting or allowing any act or omission, which significantly affects, injures, or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant; or

(b) The existence of any of the following conditions:

(i) Premises containing visible accumulations of trash, junk, litter, boxes, discarded lumber, ashes, bottles, boxes, building materials which are not properly stored or neatly piled, cans, concrete, crates, empty barrels, dead animals or animal waste, glass, tires, mattresses or bedding, numerous pieces of broken or discarded furniture and furnishings, old appliances or equipment or any parts thereof, iron or other scrap metal, packing cases or material,

plaster, plastic, rags, wire, yard waste or debris, salvage materials or other similar materials, except that kept in garbage cans or containers maintained for regular collection. Nothing in this subsection shall prevent the temporary retention of waste in covered receptacles;

(ii) Dangerous structures including, but not limited to, any dangerous, decaying, unkempt, falling or damaged dwelling, or other structure, or as defined under Ch. 15.05 LCC and the Uniform Building Code;

(iii) Any hulk, junk or abandoned vehicle, as defined in Ch. 8.05 LCC or Ch. 46 RCW, or any part thereof which is wrecked, inoperable or abandoned, or any disassembled trailer, mobile home or house trailer, or part thereof;

(iv) Vehicle sales or repair lots or the storing of extensively damaged vehicles if the vehicles are visible from public property or a public right of way and the vehicles are not stored or parked upon a driveway or in connection with a state or locally licensed scrap processor or licensed vehicle sales, repair, hauling, dismantling, or towing business or are not part of land use or development approved under the County Code. "Extensive damage" includes but is not limited to broken windshields and missing tires. A "driveway" is defined as the roadway leading from the public right of way to a garage, covered parking area, or home;

(v) Attractive nuisances, as defined as any nuisance in this subsection which is detrimental to children, whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children including, but not limited to, unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or

abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors;

(vi) Obstructions to the public right-of-way including, but not limited to, use of property abutting a public street or sidewalk or use of a public street or sidewalk which causes any obstruction to traffic or to open access to the streets or sidewalks. This subsection shall not apply to events, parades, or the use of the streets or public rights-of-way when authorized by the county. This section includes the existence of drainage onto or over any sidewalk, street or public right-of-way, and the existence of any debris or plant growth on sidewalks adjacent to any property, and any personal property and/or solid waste that has been placed onto a public right-of-way pursuant to a court-ordered eviction per Title 59 RCW which has not been removed after twenty-four hours;

(vii) Illegal dumping including, but not limited to violations of state and local solid waste or litter regulations, and dumping of any type by any person on public or private property not designated as a legal dump site;

(viii) Dumping in waterways including, but not limited to, dumping, depositing, placing or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable watercourse, unless otherwise approved by the appropriate governmental agency;

(ix) Any unwholesome or offensive chemical stored in such a manner

as to create a substantial risk of injury to public health;

(x) Any pit, basin, hole, mine, well, or other excavation which is unguarded and dangerous to life;

(xi) Any fence or similar structure that is in such disrepair so as to be in danger of collapsing or falling and causing a danger to persons;

(xii) Any combustible or explosive substance or material stored in such manner as to create a substantial risk of combustion or spread of fire; and

(c) Any act or omission that is defined as a nuisance by state or county law, including but not limited to LCC 6.05.020 (prohibited activities of dogs), LCC 6.05.050 (dangerous animals), LCC 8.05.100 (abandoned vehicles), LCC 8.15.140 (solid waste), LCC 8.30.090 (litter), LCC 8.35.010 (nuisances on highways), LCC 8.40.040 & -.270* (on-site sewage), LCC 8.45.030 (solid waste), LCC 15.25.110 (mobile homes), and LCC 15.45.500 (storm water runoff). (*Codifier's note: scrivener's error listed subsection as "-.279")

(d) Notwithstanding the above subsections, all conditions, actions, omissions, or the permission of any actions or omissions meeting the requirements and provisions described in the Right to Farm Ordinance, LCC 17.40, as hereafter amended, or that are allowable under a state or local license or permit shall not constitute nuisance under this chapter.

(8) "Omission" means a failure to act.

(9) "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.

(10) "Person responsible for the violation" means any person who has an interest in or resides upon or occupies the property where the alleged violation is occurring, whether as owner, tenant, occupant, trustee or otherwise.

(11) "premises" means a building or part of a building and the appurtenances thereto, grounds, and facilities of the building.

(12) "Vehicle" means every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway. Motorcycles shall be considered vehicles for the purposes of this chapter. Mopeds and bicycles shall not be considered vehicles for the purposes of this chapter.

(13) "Vehicle sales or repair lot" means a parcel(s) whereupon vehicle dealer or manufacture business or vehicle repair business is conducted which is regulated by the provisions of Title 46 RCW, and is subject to local land use regulation by a department.

(14) "Violation" means a violation that constitutes a nuisance under this chapter or under any chapter of the Lewis County Code. Each day or portion of a day during which a violation occurs or exists is a separate violation. [Ord. 1181 §1, 2003]

1.22.030 Abatement by the county.

(1) The county may seek to abate and permanently enjoin a condition which constitutes a nuisance under this chapter or under any chapter of the County Code, and, using any lawful means, may enter upon the subject property and remove or correct the condition that is subject to such abatement or injunction. The prosecuting attorneys office for the county may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

(2) Summary Abatement. Whenever any nuisance causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety, or welfare, or to the environment, the county may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible. If

the person responsible for the violation is a tenant, notice of such abatement shall also be given to the landlord or owner of the property where the violation is occurring. No right of action shall lie against the county or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the county be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of same is provided to the person responsible for the violation.

(3) Recovery of Costs and Expenses.

(a) The costs of correcting a nuisance under this chapter, or under any chapter of the County Code, which is the subject of a warrant of abatement or of a contempt order for violation of a permanent injunction against such nuisance shall be billed to the person responsible for the nuisance and/or the owner, lessor, tenant, or any other person entitled to control the subject property.

(b) The costs of correction shall include "incidental expenses", which may include, but are not limited to, personnel costs, both direct and indirect and including attorney's fees; costs incurred in documenting the violation; towing/hauling, storage, and removal/disposal expenses; cost associated with service and enforcement of warrants, actual expenses and costs of the county in preparing notices, specifications, and contracts associated with the abatement and in accomplishing and/or contracting and inspecting the work; the costs of any required printing and mailing, and interest at the rate of ten percent (10%) per annum on the costs of abatement incurred by the county.

(c) Costs of correction shall become due and payable to the county treasurer within fifteen calendar days of the date of mailing the billing for abatement.

(d) All costs of correction assessed by the county create a joint and several

personal obligation in all persons subject to a warrant of abatement or of a contempt order for violation of a permanent injunction against such nuisance.

(e) All such costs and expenses shall constitute a lien against the affected property, as set forth in subsection (5) of this section.

(4) Interference. Any person who knowingly hinders, delays or obstructs any county employee acting on direction of the director and in furtherance of a court order in the discharge of the county employee's official powers or duties in abating a nuisance or correcting a violation of a permanent injunction under this chapter or under any chapter of the County Code, shall be guilty of a misdemeanor punishable by imprisonment not exceeding ninety days and/or a fine not exceeding \$1,000.00. In addition, any such person knowingly hinders, delays or obstructs any county employee in furtherance of said duties shall be liable for incidental expenses to the county arising from such, including but not limited to, personnel costs, both direct and indirect and including attorney's fees; costs incurred in documenting the violation; all actual expenses and costs of the county in remediation of such hindrance, and delay or obstruction associated with the abatement or injunctive action. All such costs and expenses shall constitute a lien against the real property of said person, as set forth in subsection (5) of this section.

(5) Lien - Authorized. The county shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under this chapter or under any chapter of the County Code, and all other related costs against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall run with the land, but shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to

all other liens, except for state and county taxes, with which it shall be on a parity.

(a) The director shall cause a claim for lien to be filed for record within ninety days from the later of the date that the monetary penalty is due, the work is completed, or the nuisance abated or corrected.

(b) The claim of lien shall contain sufficient information regarding the notice of abatement, as determined by the director, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

(c) Any such claim of lien shall be verified by the director, and may be amended to reflect changed conditions. [Ord. 1181 §1, 2003]

1.22.040 Removal of evicted personal property and/or solid waste placed onto public access.

Once personal property and/or solid waste belonging to an evicted tenant has been placed onto public right-of-way pursuant to a court-ordered eviction per Title 59 RCW, the evicted tenant/owner of the personal property and/or solid waste or his/her designee shall have twenty-four hours to remove said personal property and/or solid waste from the public right-of-way. Notice of such removal after twenty-four hours shall be given to the evicted tenant/owner of the personal property and/or solid waste or his/her designee, or if unavailable, posted on the property. If, after twenty-four hours, the evicted tenant/owner or his/her designee has not removed the personal property and/or solid waste from the public right-of-way, the property shall be deemed a nuisance, and the landlord/property owner or his/her designee shall remove the personal property and/or solid waste for proper disposal within forty-eight hours of issuing notice or the county shall seek to abate the nuisance, pursuant to Section 1.22.030, to be billed to the

landlord/property owner or his/her designee. [Ord. 1181 §1, 2003]

1.22.050 Additional enforcement procedures and nuisances.

The provisions of this chapter and its definition of “nuisance” are not exclusive, and may be used in addition to or in conjunction with other enforcement provisions, civil or criminal, or nuisance definitions provided for under the Lewis County Code.” [Ord. 1181 §1, 2003]

Chapter 1.25

ENTRY POLICY

Sections:

- 1.25.010 Policy.
- 1.25.020 Notice prior to entry
- 1.25.030 Posted property.
- 1.25.040 Permit inspections.
- 1.25.050 Employee identification.
- 1.25.060 Intimidation of employees.

1.25.010 Policy.

The policy of the County is to perform its duties while respecting the property, personal and procedural rights of individuals. This policy requires that representatives of the County understand and adhere to the guidelines established relative to entry upon private property while performing duties in an official capacity representing Lewis County. Employees shall familiarize themselves with this policy and apply said policy in the discharge of their official duties as representatives of Lewis County. [Ord. 1157, 1998; Res. 96-331 § 1, 1996].

1.25.020 Notice prior to entry.

(1) The policy of the County is that County employees will contact the property owner and/or resident either in writing or by telephone prior to entry upon an individual's property. The purpose of this contact is to receive affirmative permission to be on the property. In cases affecting public health and/or safety involving violations of Lewis County or State of Washington health laws or food services sanitation inspections, no notice will be required.

(2) It is the policy of the County, without exception, to immediately contact the owner and/or resident upon entry upon private property to explain the purpose of the visit and receive permission to remain on the premises to conduct the legitimate

business of the county, unless prior permission for the visit has been received to be on the property. [Ord. 1157, 1998; Res. 96-331 §§ 2, 3, 1996].

1.25.030 Posted property.

1) Any combination of (a) a "No Trespassing" sign and a gate or chain on private property, or (b) the securing of a gate or chain (other than by a simple latching or closure device) shall be considered controlling. Entry shall not be made upon such property without the express permission of the property owner/resident, or in response to legal process.

2) No employee shall be required to enter a posted or gated piece of property if the employee feels threatened, intimidated or otherwise in fear of his or her personal safety. [Ord. 1157, 1998; Res. 96-331 §§ 4, 5, 1996].

1.25.040 Permit inspections.

It is the policy of the County that all applications for permits will be accompanied by written notice that the granting of a permit is conditioned on the right of entry for the sole purpose of on-site inspection to ensure compliance with the permit process AND that refusal to allow entry on-site, threatening behavior, and/or refusal to schedule an appointment for entry may result in revocation of approvals or forfeiture of the permit. County employees, upon entering private property, shall notify the resident and obtain permission to remain on the property to complete any required inspection. Permission to enter and remain on the property may be granted either by the legal owner(s) or by his/her authorized representative. [Ord. 1157, 1998; Res. 96-331 § 6, 1996; Res. 98-302, 1998].

1.25.050 Employee identification.

It is the policy of the County that

Employees shall carry identification cards while on duty. Any employee, when legitimately requested by the public, shall show the requesting party his/her identification card. [Ord. 1157, 1998; Res. 96-331 § 7, 1996].

1.25.060 Intimidation of employees

It is the policy of the County that threats, intimidation, or other violations of public peace directed against an employee engaged in the lawful action upon private property may subject that person and the owner of the property, as applicable, to legal action and forfeiture of an approval and processing rights under the inspection or permit processes. With regard to such forfeiture, the applicant or permittee shall be so notified in writing as a part of the permit application process. [Ord. 1157, 1998; Res. 96-331 § 8, 1996].